

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

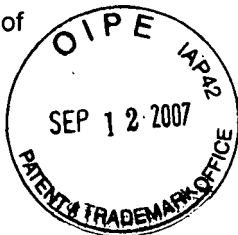
Atty JRL-4000-3
Dkt.

DREYER

Serial No. 10/606,783

Filed: June 27, 2003

Title: CONVEYOR IDLER



TC/A.U.

C# M#

3651

Examiner: Hess, Douglas A.

Date: September 12, 2007

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment **18** minus highest number
previously paid for **43** (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment **2** minus highest number
previously paid for **7** (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add
\$360.00 (1203)/\$180.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)
One Month Extension \$120.00 (1251)/\$60.00 (2251)
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)
Five Month Extensions \$2160.00 (1255)/\$1080.00 (2255) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/ \$65.00 (2814) \$

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: **Petition Under Rule 137(a) to Revive an Unavoidably Abandoned Application (2452)** \$ **250.00**

TOTAL FEE \$ 250.00

☒ **CREDIT CARD PAYMENT FORM ATTACHED.**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

901 North Glebe Road, 11th Floor
Arlington, Virginia 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
JRL:maa

NIXON & VANDERHYE P.C.
By Atty: John R. Lastova, Reg. No. 33,149

Signature: _____



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DREYER

Atty. Ref.: 4000-3

Reissue Application Serial No. 10/606,783

TC/A.U.: 3651

Filed: June 27, 2003

Examiner: Hess, Douglas A.

For: CONVEYOR IDLER

* * * * *

September 12, 2007

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RENEWED PETITION TO REVIVE ABANDONED PATENT APPLICATION
UNDER RULE 181 AND PETITION UNDER RULE 137(A) TO REVIVE AN
UNAVOIDABLY ABANDONED APPLICATION

In response to the petition decision mailed August 28, 2007, the petitioner requests reconsideration and specifically petitions under 37 CFR 1.137(a) to revive this unavoidably abandoned application. The facts and arguments set forth in the petition dated June 28, 2007 are incorporated here by reference. In short, Applicant responded to the final action with an amendment filed on May 9, 2006. Primary Examiner Hess provided *written* correspondence with the official USPTO seal on the facsimile cover sheet dated August 1, 2006 (copy attached as Exhibit A in the initial petition) providing Applicant with a copy of an official Notice of Allowance form for this application. The Primary Examiner stated *in writing* that the Notice of Allowance "is in our system so the

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250.00 0P

case will not go abandoned. Your time period will start upon official mailing of this Notice of Allowance.” (Emphasis added).

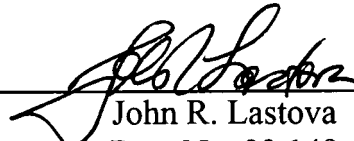
Applicant understandably and reasonably relied on this written official communication from the Primary Examiner. Periodic phone calls were made to Examiner Hess to determine the status of the application, including telephone voicemails on August 31, 2006 and October 1, 2006, a written Status Inquiry filed March 6, 2007, and a further telephone voicemail left for Examiner Hess on April 23, 2007. In a telephone call from Examiner Hess in early May of 2007, Examiner Hess apologized that the case had “fallen through the cracks” and unfortunately had not been acted upon by the Patent Office for nearly ten months and that another reissue reviewing Examiner had found additional items that needed correction before Examiner Hess could allow the application. Given the facts in this case, and in particular, Applicant’s reasonable reliance on the written official communication from the Primary Examiner and Applicant’s diligent follow-up with the Primary Examiner, the delay was clearly unavoidable. A petition to revive was filed within one month of the notice of abandonment. The reply required to the outstanding office action was submitted with the initial petition. The petition fee under for a small entity of \$250 is submitted. If some other fee is required, then authority is given to charge such fee to our deposit account No. 14-1140. Having satisfied all the requirements under 37 CFR 1.137(a), revival is respectfully requested.

DREYER
Serial No. 10/606,783

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


John R. Lastova
Reg. No. 33,149

JRL:maa
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100



Patent Technology Centers

Facsimile Transmission

To: Name: John Lestovia
 Company:
 Fax Number: 7038164100
 Voice Phone:

From: Name: Douglas Hess
 Official Fax Number: (571) 273-8300
 Official After Final Fax Number: (571) 273-8300
 Voice Phone: 571-272-6915

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

Fax Notes:

John,
Here is a copy of the Notice of Allowance which has not been mailed yet. This is in our system so the case will not go Abandoned. Your time period will start upon official mailing of this Notice of Allowance.
Thanks
Doug

[Handwritten signature]

Date and time of transmission: Tuesday, August 01, 2006 11:58:06 AM
Number of pages including this cover sheet: 02

Notice of Allowability**Application No.**

10/606,783

Applicant(s)

DREYER, TERTIUS F.

Examiner

Douglas A. Hess

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed 5-9-06.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Douglas A Hess
Primary Examiner
Art Unit: 3651